

COUNCIL MEETING NOTICE AND AGENDA

WEDNESDAY, JULY 11, 2012

9:00 A.M. OR SOON THEREAFTER

COUNCIL CHAMBERS

HISTORIC COUNTY BUILDING

4396 RICE STREET, SUITE 201

Līhu'e, Kaua'i, Hawai'i 96766

RECEIVED

'12 JUL -5 P6:02

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. Minutes of the May 9, 2012 Council Meeting
2. Minutes of the June 6, 2012 Special Council Meeting
3. Minutes of the June 20, 2012 Special Council Meeting
4. Minutes of the June 27, 2012 Public Hearing Re: Resolution No. 2012-44, Resolution No. 2012-45, and Resolution No. 2012-46

E. CONSENT CALENDAR:

1. C 2012-206 Communication (06/13/2012) from the Mayor, transmitting for Council information, Mayoral appointee Luke A. Evslin to the Public Access, Open Space, & Natural Preservation Fund Commission, replacing Ms. Johanna Ventura, and whose partial term ends 12/31/2013.
2. C 2012-207 Communication (06/28/2012) from Councilmember Rapozo, transmitting for Council consideration, amendments to Chapter 8, Kaua'i County Code 1987, as amended, relating to the creation of a Planning Enforcement Account for Civil Fines that will enable the Planning Department to have funds readily available for the enforcement of codes, statutes, and regulations it has authority to enforce. *(See Proposed Draft Bill (No. 2439))*
3. C 2012-208 Communication (06/29/2012) from Councilmember Nakamura, transmitting for Council consideration, amendments to Chapter 5A, Kaua'i County Code 1987, as amended, relating to Real Property Tax, that aligns the deadline for the Department of Finance to submit the Certified Real Property Tax Assessment List with the submission of the Mayor's proposed annual budget, and incorporates amendments adopted via Bills Nos. 2415 and 2416 to Sections 5A-9.1(a), 5A-11.4, and 5A-11.30, which were inadvertently omitted in Bill No. 2417 before its approval. *(See Proposed Draft Bill (No. 2440))*

F. COMMUNICATIONS:

1. C 2012-209 Communication (06/13/2012) from the Director of Finance, transmitting the Condition of the County Treasury Statement quarterly report as of May 14, 2012.
2. C 2012-210 Communication (06/29/2012) from Council Chair Furfaro, requesting the Administration's presence to answer questions regarding his analysis of the Period 10 Financial Statements and forecasted cash flow position through the Period Ending April 30, 2012.
3. C 2012-211 Communication (06/29/2012) from the Director of the Office of Economic Development, requesting Council approval to apply for, receive, and expend an estimated \$400,000 yearly, subject to annual availability of the Transient Accommodation Tax Collection and the Hawai'i Tourism Authority (HTA) Board approval, for a 3-year contract with HTA to conduct a County of Kaua'i Product Enrichment Program to coordinate the development and maintenance of Kaua'i's niche markets of cultural, health and wellness, educational, technology, agricultural, sports, and nature tourism.
4. C 2012-212 Communication (06/18/2012) from the Director of Housing, requesting Council approval to utilize Neighborhood Stabilization Program (NSP) funds for the following:
 - (1) To acquire two (2) Short Sale/Foreclosed homes for up to a maximum amount of not more than \$400,000.00 per property, located at:
 - (a) 2151B Kelikoli Street, #20, Lihu'e, Hawai'i (TMK 3-3-003-037-0020) and
 - (b) 4965 Laipo Road, Kapa'a, Hawai'i (TMK 4-5-017-022), and
 - (2) To authorize the County Clerk to sign all legal documents related to the purchase of said properties.
5. C 2012-213 Communication (06/29/2012) from Council Vice Chair Yukimura, requesting Council approval for the public release of the County Attorney opinion dated June 18, 2012, regarding the Fiscal Year 2012-2013 Budget Appropriation for the Housing Advisory Committee within the Council Services Budget. This release was discussed and approved during Executive Session item ES-577 at the June 27, 2012 Council Meeting.

G. LEGAL DOCUMENT:

1. C 2012-214 Communication (07/04/2012) from the Director of Finance, recommending Council approval of the following:
 - License agreement for 3.491 acres of land in Puhi (Lot 1540, Līhu'e, Kaua'i, Hawai'i) to be used by the Kaua'i Philippine Cultural Center (KPCC), a 501-C-3 nonprofit, as the location of a community center to benefit and honor the history and cultures of the people of Kaua'i, and which license will assist the KPCC to leverage further future funding and grant assistance.

H. CLAIMS:

1. C 2012-215 Communication (06/18/2012) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Enterprise Rent-A-Car for damage to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. C 2012-216 Communication (06/26/2012) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by GEICO, as subrogee for Martin Sadler, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
3. C 2012-217 Communication (6/28/2012) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Diane C. Cooke for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:1. ECONOMIC DEVELOPMENT & RENEWABLE ENERGY STRATEGIES COMMITTEE REPORT:

- a. **CR-EDR 2012-05:** on Bill No. 2436 A BILL FOR AN ORDINANCE TO AMEND CHAPTER 16 AND CHAPTER 17 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ELECTRIC VEHICLE CHARGING STATIONS [Approved as amended]

2. FINANCE/PARKS & RECREATION/PUBLIC WORKS PROGRAMS COMMITTEE REPORTS:

- a. **CR-FPP 2012-09:** on Bill No. 2437 A BILL FOR AN ORDINANCE TO AMEND SECTION 19-1.3 AND SECTION 19-1.4 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PARKS AND RECREATION [Approved as amended]

J. RESOLUTIONS:

1. Resolution No. 2012-44, RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO RESTRICTING THE MAYOR'S POWER OVER DEPARTMENTS (*Public Hearing held 06/27/2012*)

2. Resolution No. 2012-45, RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO ADDITIONAL DUTIES OF THE COUNTY AUDITOR (*Public Hearing held 06/27/2012*)

3. Resolution No. 2012-46, RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO THE PREPARATION OF MONTHLY FINANCIAL STATEMENTS BY THE DIRECTOR OF FINANCE (*Public Hearing held 06/27/2012*)

K. BILLS FOR FIRST READING:

1. Proposed Draft Bill (No. 2439) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COUNTY OF KAUAI PLANNING DEPARTMENT CIVIL FINES

2. Proposed Draft Bill (No. 2440) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED RELATING TO REAL PROPERTY TAX

L. BILLS FOR SECOND READING:

1. Bill No. 2436, Draft 1 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 16 AND CHAPTER 17 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ELECTRIC VEHICLE CHARGING STATIONS (*See CR-EDR 2012-05, Economic Development & Renewable Energy Strategies Committee recommended approval, as amended, on second and final reading on July 5, 2012*)

2. Bill No. 2437, Draft 1 – A BILL FOR AN ORDINANCE TO AMEND SECTION 19-1.3 AND SECTION 19-1.4 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PARKS AND RECREATION (*See CR-FPP 2012-09, Finance/Parks & Recreation/Public Works Programs Committee recommended approval, as amended, on second and final reading on July 5, 2012*)

M. EXECUTIVE SESSION: Pursuant to Haw. Rev. Stat. ("H.R.S.") §92-7(a), the Council may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to H.R.S. §92-4 and shall be limited to those items described in H.R.S. §92-5(a). (Confidential reports on file in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)

1. ES-553 Pursuant to HRS sections 92-4, 92-5(a)(4), and Kaua'i County Charter section 3.07(e), the Office of the County Attorney, on behalf of the Council, requests an executive session with the Council to provide the Council with a briefing regarding the claim against the County by Kaua'i Akinaka & Associates, Ltd, filed on May 14, 2012, and previously on the Council's agenda as C 2012-189, and related matters. The briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item. *(See also C 2012-189 on the June 13, 2012 Council Agenda) (Deferred 06/27/2012)*
2. ES-554 Pursuant to HRS sections 92-4, 92-5(a)(4), and Kaua'i County Charter section 3.07(e), the Office of the County Attorney, on behalf of the Council, requests an executive session with the Council to provide the Council with a briefing regarding the claim against the County by Waste Management of Hawai'i, filed on May 17, 2012, and previously on the Council's agenda as C 2012-191, and related matters. The briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item. *(See also C 2012-191 on the June 13, 2012 Council Agenda) (Deferred 06/27/2012)*
3. ES-555 Pursuant to HRS sections 92-4, 92-5(a)(4), and Kaua'i County Charter section 3.07(e), the Office of the County Attorney, on behalf of the Council, requests an executive session with the Council to provide the Council with a briefing regarding the claim against the County by Waste Management of Hawai'i, filed on May 24, 2012, and previously on the Council's agenda as C 2012-192, and related matters. The briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item. *(See also C 2012-192 on the June 13, 2012 Council Agenda) (Deferred 06/27/2012)*

N. ADJOURNMENT.

O. PUBLIC HEARING NOTE: If the Council is not finished with this meeting by approximately 1:30 p.m., it will recess for public hearing on the following. After the public hearing, the Council will reconvene to complete any unfinished business. *[*For complete information, including a summary of the item, please refer to the official Notice of Public Hearing. The official Notice of Public Hearing has been published, posted on the bulletin board, and filed in the County Clerk's Office as required by law. Notwithstanding this Council Agenda, the Council may hold a public hearing on any item which has been posted in advance in compliance with the Sunshine Law.]*
For a copy of the notice, please go to:

<http://www.kauai.gov/Government/CountyCouncil/CouncilAgendasandPublicHearingNotices/tabid/73/Default.aspx>

1. **Bill No. 2438 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 3 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE REPRESENTATION OF CLIENTS WITH CONFLICTING INTERESTS BY THE OFFICE OF THE COUNTY ATTORNEY**

P. NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LIHU'E, KAUAI. TELEPHONE NO. 241-4188. FACSIMILE NO. 241-6349.